

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS
NVNG Joint Civilian Discrimination Complaints Instruction Guide Sept 2017

FILED AGAINST The Head of the Agency.

IAW 10 U.S.C. 10508, NDAA 2017, P.L. 114-328 The Adjutant General shall be considered the head of the Agency.

APPLIES TO	Federal Civilian Employees & Applicants for employment who are managed under the TAG.
DIRECTIVES & POLICIES	DOD DIR 1020.02E DOD Civilian EEO Program TAG NVNG Joint Equal Employment Policy Memo 1 Oct 2017 NVNG Joint Civilian Discrimination Complaints Instruction SEPT 2017
LAWS	Title 32, United States Code, "National Guard" Title 10, United States Code, "United States Armed Forces" Public Law 114-328, 23 December 2016, "National Defense Authorization Act for Fiscal Year 2017" Title 29, Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity" NGR 600-23/ANGR 30-12, 30 December 1974, "Nondiscrimination in Federally Assisted Programs" Equal Employment Opportunity Commission Management Directive 110, 05 August 2015, "Federal sector Complaints Processing Manual" Equal Employment Opportunity Commission Management Directive 715, 23 August 2003, "Reporting Requirements for Federal Agencies"

Alternate Dispute Resolution (ADR) must be offered and may be implemented at any time.

BASIS	Race, Color, Religion, Sex (including pregnancy, gender identity and sexual orientation) National Origin, Age (40 or older), Disability, Genetic information or who believes that he or she has been subjected to Sexual Harassment. Retaliation (based on EEO activity).
TIME LIMITS	An aggrieved person must contact an EEO Counselor or the EEO Manager within 45 calendar days or when he or she becomes aware of the discriminatory action or the effective date of the personnel action. Failure to contact an EEO Professional within 45 calendar days may result in dismissal of a formal complaint. Process all claims through informal regardless of timeliness, merit or other considerations.
INFORMAL STAGE Pre-Complaint Counseling	<ul style="list-style-type: none"> • Contact the EEO Manager or an EEO Counselor • EEO Manager determine if appropriate for processing, 30 calendar day begins. (extension up to 60 additional days) • Provides in writing – Rights & Responsibilities. • If Sexual Harassment, aggrieved may request 15-6/CDI/OCI will run concurrently with the EEO complaint process. • Offers ADR if appropriate (CNGBI 0402.01 Dated 24 July 2015) extend Informal stage 90 days • EEO Counselor gathers facts regarding allegations of discrimination and attempts resolution. • If the matter is not resolved before the end of the authorized period, issue the Notice of Right to File a formal Complaint. Aggrieved must file formal within 15 calendar days after receiving Notice of Right to File.
FORMAL STAGE Written Complaint	<ul style="list-style-type: none"> • Formal Written Complaint (DD Form 2655) submit to EEO Manager within 15 calendar days. • EEO Manager advises in writing receipt of complaint within 5 days, provides right to appeal to EEOC/OFO on any full dismissal of the complaint, provides docket number. • Provides EEO Counselor Report to aggrieved within 15 calendar days. • Provides aggrieved with acceptance/dismissal letter • The Agency must allow for an investigation to be completed and the Report of Investigation (ROI) to be received by the aggrieved within 180 days from the date of filing.
INQUIRY or INVESTIGATION	EEO Manager will request an Investigation from Investigation and Resolution Division (IRD). IRD produces a Report of Investigation (ROI) NLT 180 days unless approved extensions. Aggrieved has 30 days to elect Final Agency Decision or elect hearing from EEOC.
AGENCY DECISION	<ul style="list-style-type: none"> • Final Agency Decision implemented • Appeal to EEOC/OFO – Decision
POINTS of CONTACT	<ul style="list-style-type: none"> • Equal Employment Opportunity Manager, Alicia Nyland 775-384-5845, alicia.l.nyland.civ@mail.mil • EEO Counselors, located in various offices.